

BEFORE THE DEPARTMENT OF ENVIRONMENT AND ENERGY

IN THE MATTER OF	)	Case No. 3602
	)	
SPEED CLEAN TRUCK WASH, Inc.,	)	COMPLAINT, COMPLIANCE ORDER,
FID# 114218	)	AND NOTICE OF OPPORTUNITY
	)	FOR HEARING
Respondent.	)	
	)	

**I. INTRODUCTION**

1. This Complaint, Compliance Order, and Notice of Opportunity for Hearing (“Order”) is issued pursuant to Neb. Rev. Stat. § 81-1507.

2. The Complainant is the Director of the Nebraska Department of Environment and Energy (“Department”).

3. The Respondent is Speed Clean Truck Wash, Inc., a domestic corporation that operates a truck wash, located at 3404 West Wood River Road, Grand Island, NE 68803.

4. Complainant has determined the Respondent is in violation of the Nebraska Environmental Protection Act (“NEPA”), Neb. Rev. Stat. §§ 81-1501 to 81-1532, and Title 119 of the Nebraska Administrative Code, *Rules and Regulations Pertaining to the Issuance of Permits under the National Pollutant Discharge Elimination System* (“Title 119”).

**II. JURISDICTION**

5. The Department is the agency of the State of Nebraska charged with the duty, pursuant to Neb. Rev. Stat. § 81-1504(1), of exercising exclusive general supervision, administration, and enforcement of the NEPA and all rules, regulations, and orders, adopted and promulgated thereunder.



6. The Department is further charged with the duty to act as the state water pollution agency for all purposes of the Clean Water Act, as amended, 33 U.S.C. 1251 *et seq.* NEB. REV. STAT. § 81-1504(4).

7. Pursuant to Neb. Rev. Stat. § 81-1505, the Nebraska Environmental Quality Council promulgated Title 119.

### **III. COMPLAINT**

8. As part of its day-to-day operations, Respondent discharges wastewater from its truck wash operation to the City of Grand Island's publicly owned treatment works ("POTW").

9. Title 119, Ch. 2, 003, states that "[a]ny industrial user discharging pollutants into a POTW where such source meets the definition of a significant industrial user, must apply for and have a permit to discharge to such POTW."

10. The volume and composition of wastewater Respondent discharges to the Grand Island POTW makes Respondent a significant industrial user of the POTW, as defined by Title 119, Ch. 1, 103.

11. On or about October 7, 2020, the Department issued to Respondent Nebraska Pretreatment Program permit number NE0139734 ("Permit") authorizing Respondent to discharge to the Grand Island POTW, subject to the conditions and limitations in the Permit.

12. Title 119, Ch. 14, 001.01, states that "[t]he permittee must comply with all conditions of the permit. Any permit noncompliance constitutes a violation of the Federal and State Act and is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or denial of a permit renewal application."

13. Neb. Rev. Stat. § 81-1508.02(1)(b) makes it unlawful to violate any permit condition, or any monitoring, reporting, or record-keeping requirements issued pursuant to the NEPA.

### **FIRST CAUSE OF ACTION**

14. Title 119, Ch. 14, 001.12D, and Appendix A, § 14(d), of the Permit requires Respondent to submit quarterly Discharge Monitoring Reports (“DMRs”) electronically using the NetDMR tool. DMRs were to be submitted according to the schedule in Table 1.

<b>TABLE 1</b>	
<b>Monitoring Quarters</b>	<b>DMR Reporting Deadlines</b>
January–March	April 28
April–June	July 28
July–September	October 28
October–December	January 28

15. Respondent failed to submit DMRs on eight occasions, from January 28, 2021, through and including October 28, 2022.

16. Each unsubmitted DMR constitutes a separate violation of the Permit, Neb. Rev. Stat. § 81-1508.02(1)(b), and Title 119, Ch. 14, 001.01.

### **SECOND CAUSE OF ACTION**

17. Upon becoming aware of any noncompliance which may endanger health or the environment, Title 119, Ch. 14, 001.12G, and Part II(D) and Appendix A, § 14(f), of the Permit requires Respondent to:

- a. Within 24 hours, orally report to the Department the noncompliance, including the information specified in Title 119, Ch. 14, 001.12G2; and
- b. Within five days, submit to the Department a written report containing the information specified in Title 119, Ch. 14, 001.12G1.

**18.** Part I(A) of the Permit establishes discharge limits for potential hydrogen (“pH”) with a daily minimum of 6.0 and a daily maximum of 9.0.

**19.** Water with pH levels below 6.0 is known to cause corrosion in metal pipes and can lead to unpermitted discharges and the introduction of additional pollutants into the water supply, which may endanger the environment and endanger health, respectively.

**20.** On or about April 21, 2021, a representative with the Grand Island POTW conducted sampling of wastewater discharged from Respondent, the results of which revealed a pH level of 5.75.

**21.** On or about April 30, 2021, a representative with the Grand Island POTW conducted sampling of wastewater discharged from Respondent, the results of which revealed a pH level of 5.67.

**22.** Respondent was notified of the pH sample results because they were reflected in Respondent’s water utility bill dated May 13, 2021, sent from the Grand Island Public Works Department.

**23.** The Regulatory Compliance Manager for the Grand Island POTW informed the Department that water utility bills are habitually sent to customers, including Respondent, every month via postal mail, electronic mail, or both.

**24.** Respondent was aware of the pH limit violations but did not report these violations to the Department.

**25.** The failure of Respondent to notify the Department within 24 hours of becoming aware of the pH limit exceedances constitutes two violations each of Title 119, Ch. 14, 001.12G, and Neb. Rev. Stat. § 81-1508.02(1)(b).

**26.** The failure of Respondent to submit to the Department the written noncompliance report within five days of becoming aware of the pH limit exceedances constitutes two violations each of Title 119, Ch. 14, 001.12G, and Neb. Rev. Stat. § 81-1508.02(1)(b).

### **THIRD CAUSE OF ACTION**

**27.** Title 119, Ch. 26, 008.02, and Part II(M) of the Permit required Respondent to submit within 90 days of Respondent's introduction of wastewater into the Grand Island POTW a 90-day compliance report.

**28.** Respondent began introducing wastewater into the Grand Island POTW in or around May 2021.

**29.** More than 90 days have passed since Respondent began introducing wastewater into the Grand Island POTW; Respondent has not submitted the 90-day compliance report.

**30.** The failure of Respondent to submit the 90-day compliance report is a violation of Neb. Rev. Stat. § 81-1508.02(1)(b) and Title 119, Ch. 14, 001.01.

### **IV. COMPLIANCE ORDER**

**31.** IT IS HEREBY ORDERED that Respondent shall within 90 days of the issuance of this Order:

- a.** Submit to the Nebraska Department of Environment and Energy a completed NPDES & NPP Signatory Authorization Form.
- b.** Sign up for and enroll in the NetDMR electronic reporting tool.
- c.** Submit all delinquent Discharge Monitoring Reports through the NetDMR tool.
- d.** Submit to the Department of Environment and Energy a certification stating, under penalty of perjury, that Respondent has complied with the provisions of this Order, and

is in compliance with all applicable permit conditions, regulations, and statutes, including, but not limited to:

- i. The on-site maintenance of all records of monitoring information described in Appendix A, §§ 12(b) and 12(c), of the Permit, and Title 119, Ch. 14, 001.10B and 001.10C.

**32. IT IS FURTHER ORDERED that:**

- a. The record retention period described in Title 119, Ch. 14, 001.10B, is extended from three years to five years.

**33.** Submissions to the Department under this Order shall refer to FID #114218 and shall be sent to:

Reuel Anderson, Supervisor  
NPDES Permits and Compliance Section  
Nebraska Department of Environment and Energy,  
P.O. Box 98922, Lincoln, NE 68509-8922

**IV. NOTICE OF OPPORTUNITY TO REQUEST A HEARING**

**34.** This Order shall become final, pursuant to Neb. Rev. Stat. § 81-1507(1), unless Respondent files an answer and requests, in writing, a hearing no later than 30 days after receipt of this Order. Failure to answer within 30 days shall be deemed an admission of the allegations made herein.

**35.** Any written answer to this Order must conform to the requirements of Title 115 of the Nebraska Administrative Code.

**36.** The answer and hearing request may be filed via either:

- a. Postal mail to:

Jim Macy, Director,  
Nebraska Department of Environment and Energy  
P.O. Box 98922, Lincoln, NE 68509-8922; or

b. Hand delivery to the Lincoln office located at:

Nebraska Department of Environment and Energy  
245 Fallbrook Blvd., Suite 100,  
Lincoln, NE 68521

## V. SETTLEMENT CONFERENCE

37. Whether or not Respondent requests a hearing, Respondent or Respondent's counsel may request an informal settlement conference by writing to Maxwell Anderson, Attorney, Nebraska Department of Environment and Energy, P.O. Box 98922, Lincoln, NE 68509-8922.

38. A request for a settlement conference does not extend the 30-day period during which a written answer and request for hearing must be submitted or otherwise delay the final effective date of this Order.

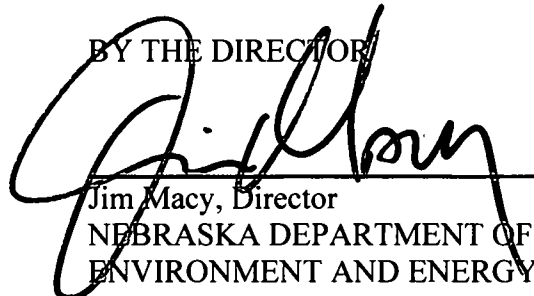
## VI. CONSEQUENCES OF NONCOMPLIANCE

39. Failure to comply with this Order may result in the issuance of a Cease and Desist Order requiring Respondent to cease all operations until compliance with this Order is achieved.

40. The Department also reserves the right to pursue or seek, and nothing in this Order precludes the Department from so pursuing or seeking, additional administrative or judicial enforcement for the violations alleged herein.

Dated this 30<sup>th</sup> day of January, 2023.

BY THE DIRECTOR




Jim Macy, Director  
NEBRASKA DEPARTMENT OF  
ENVIRONMENT AND ENERGY

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Complaint, Compliance Order and Notice of Opportunity for Hearing, was served by certified United States mail, postage prepaid, return receipt requested this 30<sup>th</sup> day of January, 2023, upon the Respondent listed below:

Speed Clean Truck Wash, Inc.  
Matthew Baack, Registered Agent  
200 N. Burlington, Suite 100  
Hastings, NE 68901  
USPS Label # 9414811898765837519071

  
\_\_\_\_\_  
Lauren Triplett  
Paralegal